

**Notice of Allowability**

Application No.

09/859,640

Examiner

Andrew C. Flanders

Applicant(s)

RABIPOUR ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The after final amendment filed 17 January 2006.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
HUYEN LE  
PRIMARY EXAMINER

## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brigide Mattar on 25 January 2006.

The application has been amended as follows:

Please amend the following claims to read as shown below

**Claim 1.** (currently amended) A method for controlling an operative setting of a communications link, the communications link being capable of acquiring plurality of operative settings, said method comprising:

a) comparing audio quality in the communications link under at least two operative settings, said at least two operative settings including a first setting and a second setting, the first setting being a first active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal. and the second setting being at least one of:

i) a bypass setting wherein the communications link transmits an audio signal substantially unaltered; or

- ii) a second active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal;
- b) selecting an operative setting from the at least two operative settings at least in part on the basis of the comparing in a);
- c) sending a control signal to at least one component in the communications link to cause the communications link to attempt to acquire the selected setting.

**Claim 7.** (original) A method as defined in claim 5, wherein said method further comprises comprising:

- a) deriving measurements for a set of characteristics of an audio signal for respective operative settings, each characteristic in the set of characteristics characterizing at least in part audio quality under a given operative setting;
- b) comparing the measurements derived in a) to select an operative setting.

**Claim 9.** (currently amended) A method as defined in claim 1, wherein the second setting is the bypass setting ~~the communications link is capable of acquiring two operative settings namely a bypass setting and an active setting, when in the bypass setting the communications link transmitting an audio signal substantially unaltered, when in the active setting the communications link transmitting an audio signal subsequent to at least one processing operation on the audio signal.~~

**Claim 12.** (Currently amended) A method as defined in claim 11, said method comprising selecting the first active setting when the measure of effectiveness is above a certain threshold of effectiveness.

**Claim 13.** (Currently amended) An apparatus for controlling an operative setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said apparatus comprising:

a) an input for receiving data elements indicative of audio quality in the communications link under at least two operative settings, said at least two operative settings including a first setting and a second setting, the first setting being a first active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal, and the second setting being at least one of,

i) a bypass setting wherein the communications link transmits an audio signal substantially unaltered; or

ii) a second active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal;

b) a processing unit coupled to said input, said processing unit being operative for:

i) comparing the data elements received at the input under the at least two operative settings;

- ii) selecting an operative setting from the at least two operative settings at least in part on the basis of the comparing in i);
  - iii) generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;
- c) an output for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

**Claim 21.** (currently amended) An apparatus as defined in claim 13, wherein the second setting is the bypass setting ~~the communications link is capable of acquiring two operative settings namely a bypass setting and an active setting, when in the bypass setting the communications link transmitting an audio signal substantially unaltered, when in the active setting the communications link transmitting an audio signal subsequent to at least one processing operation on the audio signal.~~

**Claim 24.** (Currently amended) An apparatus as defined in claim 23, said processing unit being operative for selecting the first active setting when the measure of effectiveness is above a certain threshold of effectiveness.

**Claim 27.** (currently amended) A computer readable medium comprising a program element suitable for execution by a computing apparatus for controlling an operative

setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said computing apparatus comprising:

- a) a memory unit for storing the program element;
- b) a processor operatively coupled to said memory unit, said program element

when executing on said processor being operative for implementing:

- i) an input for receiving data elements indicative of audio quality in the communications link under at least two operative settings, said at least two operative settings including a first setting and a second setting, the first setting being a first active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal, and the second setting being at least one of:

- (1) a bypass setting wherein the communications link transmits an audio signal substantially unaltered; or

- (2) a second active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal;

- ii) a processing unit for:

- (1) comparing the data elements received at the input under the at least two operative settings;

- (2) selecting an operative setting from the at least two operative settings at least in part on the basis of the comparing in (1);

(3) generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;

iii) an output for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

**Claim 35.** (Currently amended) A computer readable medium as defined in claim 27, wherein the second setting is the bypass setting ~~the communications link is capable of acquiring two operative settings namely a bypass setting and an active setting, when in the bypass setting the communications link transmitting an audio signal substantially unaltered, when in the active setting the communications link transmitting an audio signal subsequent to at least one processing operation on the audio signal.~~

40. (currently amended) An apparatus for controlling an operative setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said apparatus comprising:

a) means for receiving data elements indicative of audio quality in the communications link under at least two operative settings, said at least two operative settings including a first setting and a second setting, the first setting being a first active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal, and the second setting being at least one of:

- i) a bypass setting wherein the communications link transmits an audio signal substantially unaltered; or
- ii) a second active setting wherein the communications link transmits an audio signal subsequent to at least one processing operation on the audio signal;

b) processing means operative for:

- i) comparing the data elements received;
- ii) selecting an operative setting from the at least two operative settings at least in part on the basis of the comparing in i);
- iii) generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;

c) means for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

### ***Allowable Subject Matter***

Claims 1 – 40 are allowed.

The following is an examiner's statement of reasons for allowance:



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Claims 1, 13, 25, 27, 39 and 40 claim an invention which has multiple operative settings in a communications link. The invention sets the operative settings dependent upon the quality of a processing operation on the audio signal compared to either another processing operation or no processing operation (bypass). The prior art shows various systems for changing the operative setting in a communications link, however, in the currently presented claims, the term operative setting is more clearly defined and no longer broad enough to allow for rejections using the previously applied prior art. Furthermore, a search of the relevant classes did not provide art that either anticipated or made obvious the claims.

Claims 2 – 12, 14 – 24, 26 and 28 – 38 are allowable as being dependent upon an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER